



The Clerk of the Senate and other Senate officers



The Clerk of the Senate, Harry Evans (left) seated next to the Clerk Assistant (Table) at the main table in the Senate chamber

Most formal meetings require secretariat support to ensure they are conducted according to certain rules and procedure. The Senate is no different. Every sitting day senior officers of the Department of the Senate undertake duties in the Senate chamber to ensure that all necessary procedural and administrative advice is given to support the work of senators and the business of the Senate. When the Senate is not meeting, these officers continue to carry out tasks to support the Senate and its committees and all senators, and to carry out day-to-day administrative departmental responsibilities. This brief describes the duties of the Clerk of the Senate, senior departmental officers, and other Senate officers. It also provides a brief introduction to the functions of the Department of the Senate.

The Clerk of the Senate

The Clerk of the Senate is the principal adviser to all senators on matters relating to the business and procedures of the Senate and its committees. When the Senate meets, the Clerk is seated at the table in the centre of the Senate, in front and to the right of the President of the Senate. While on duty in the Senate, the Clerk provides procedural advice primarily to the senator in the chair (the President, Deputy President, or Chair of Committees or senators acting in those positions) and to all senators, including government ministers and parliamentary secretaries.

The Australian Constitution authorises the Senate to make rules called standing orders that govern the way it conducts its business. Standing order 43 requires that the Clerk record all proceedings of the Senate. His handwritten notes and those of other clerks at the table are used to compile the *Journals of the Senate*, which are the official records of decisions made in the Senate. It is these records which provide proof in the courts of actions taken in the Senate. Standing orders also require the Clerk to keep custody of the Journals, records and all documents presented to the Senate.

Department of the Senate

The Clerk is responsible for announcing each item of business as it occurs in the Senate. He also announces the receipt of petitions and postponements of notices of motion, and tables a variety of documents presented to the Senate. The Clerk reads the titles of all bills as they are considered at various stages in their passage through the Senate. He is also responsible for certifying (by his signature) all bills that have been passed by the Senate, amendments agreed to by the Senate and Senate bills before they are sent to the Governor-General for Royal Assent. Whenever the office of President becomes vacant, the Clerk acts as chair of the Senate until a President is elected.

At the direction of the President, the Clerk operates the bells which ring throughout Parliament House to call senators to the Senate. The Clerk times the ringing of the bells with the use of sandglasses on the table and supplemented by a digital clock which also registers on all television monitors throughout the building the time available for senators to come to the chamber. Frequently the bells are rung to signal a division in the Senate, when senators are called to make a formal vote on a matter before the Senate. The Clerk is responsible for recording the names of the senators who agree with the motion which is the subject of the division (the "Ayes"). Senators may also be called by the ringing of the bells to form a quorum, or the minimum number of senators required in the Senate for business to proceed. When a quorum (which is one-quarter of the total number of 76 senators, or 19) is reached, the Clerk turns off the bells. If a quorum is not achieved within four minutes of the President noting the absence of a quorum, the Clerk records the names of those senators who have responded to the call and the Senate adjourns until the next usual sitting day. (This adjournment for the lack of a quorum is known as a "count-out".)

Each day on which the Senate is due to meet, before proceedings begin, the Clerk meets with the Deputy Clerk, Clerks Assistant, Usher of the Black Rod and other officers who perform duties at the table of the Senate, so that advice and information can be exchanged about how the work of the Senate and senators can best be supported for that day's business. The senior officers then brief their respective staff areas. When not on duty in the Senate, the Clerk uses a television in his office to monitor proceedings in the Senate and is close at hand to provide advice and support if any complex procedural matters arise.

The Clerk is secretary and adviser to the Senate Procedure Committee which examines and monitors procedural developments in the Senate and in committees. The committee regularly reports and recommends improvements to the rules of procedure which it considers will enable full and fair debate in the Senate and the proper conduct of the business of the Senate and its committees.

The Clerk is editor of *Odgers' Australian Senate Practice* (OASP), a detailed reference work on the Senate's powers, procedures and practices. OASP is published on the internet and updated several times a year. A printed version is published every two or three years. After each period of sittings of the Senate, which usually covers two weeks of Senate meetings, the Clerk produces the *Procedural Information Bulletin* which identifies and analyses matters of significant procedural interest.

The Clerk is also the administrative head of the Department of the Senate and is responsible to the President of the Senate and the Senate for the budget, staffing and operations of the department. The Clerk and other senior officers appear at estimates hearings to answer questions from senators about the work of the department.

Under the *Parliamentary Service Act 1999*, the Clerk of the Senate is appointed by the President after consultation with senators. The Act specifies that the appointment of Clerk is for a non-renewable term of 10 years. The current Clerk's term is due to expire at the end of 2009. The current Clerk is Harry Evans. He was appointed to the office in 1988.

Deputy Clerk of the Senate

The Deputy Clerk is the second most senior officer of the Department of the Senate. Standing orders authorise the Deputy Clerk to carry out the functions of the Clerk in the absence of the Clerk.

The Deputy Clerk shares the Clerk's responsibilities for providing procedural advice. On sitting days the Deputy Clerk regularly relieves the Clerk in the Senate sitting in the Clerk's chair, and undertaking the same duties as the Clerk.

On ceremonial occasions, such as the opening of Parliament and the swearing-in of senators, the Deputy Clerk sits in the Senate chamber at the centre table in the chair to the President's left. Newly elected

senators are sworn in using a bible, or by making an affirmation. After being sworn in they sign two rolls: the Senators' Roll and the Test Roll. The Deputy Clerk assists the new senators during the swearing-in and with signing the rolls.

The Deputy Clerk is the secretary to two committees: the Privileges Committee and the Senators' Interests Committee. The Committee of Privileges examines cases of alleged contempt of the Senate and other matters relating to parliamentary privilege. The Committee of Senators' Interests supervises the declaration and registration of financial interests of both senators and senior Senate officers by maintaining a register. The President appoints the Deputy Clerk as Registrar of Senators' Interests. The current Deputy Clerk is Dr Rosemary Laing.

Other senior Senate parliamentary officers

Throughout any sitting day, two senior Senate officers must be on duty at the table of the Senate, deputising for the Clerk or Deputy Clerk, to assist with the conduct of proceedings and provide procedural advice. Apart from the Clerk or Deputy Clerk, four senior departmental officers share most of the chamber duties: Clerk Assistant (Table), Clerk Assistant (Procedure), Clerk Assistant (Committees) and the Usher of the Black Rod. Depending on chamber requirements, these officers sit in either the Clerk's or the Deputy Clerk's chair. They in turn are assisted by other procedural specialists, all of whom sit in the Deputy Clerk's chair.

While on duty in the Senate, the officers keep notes of Senate proceedings as they occur. At the end of the sitting day these notes are used to help compile business items for the Senate *Notice Paper* (the complete listing, or formal agenda, of business before the Senate). The officers collect and process all the papers presented by senators. This involves the recording and cataloguing of each document that is tabled (or presented) to permit later access and retrieval by senators or the public as required. While on duty in the Senate, the officers provide senators with all manner of advice relating to the work of the Senate and its committees.

The House of Representatives and the Senate communicate with each other in writing by message. Messages may include advice that a house has



The Clerk, advising Senator Fielding

agreed to a bill, has amended a bill, or taken action affecting a joint committee, such as appointing committee members or starting new inquiries. In the Senate the officers on duty at the table receive and arrange the processing of messages from the House of Representatives, which are delivered by the Serjeant-at-Arms. When the Senate sends a message to the House, the officers record the dispatch of the message in a ledger kept in the Senate and arrange for the Usher of the Black Rod to deliver the message to the House.

Time limits apply when senators speak during certain debates. Officers at the table are responsible for operating the clocks used to monitor these time limits and also to time the ringing of the bells calling senators to attend a division or a quorum in the chamber. When a division is called, the names of the senators who disagree with the motion to be decided on by the Senate, (the "Noes") are recorded by the officer in the Deputy Clerk's chair at the time.

As well as the duties performed at the table in the Senate, each of the four most senior officers is responsible for managing the day-to-day functions of an office of the Department of the Senate. Three of these officers, the Clerks Assistant, like the Deputy Clerk, are authorised by the standing orders to carry out the functions of the Clerk in the absence of the Clerk:

The Clerk Assistant (Table) heads the Table Office which provides procedural and administrative support for the conduct of business in the Senate chamber. This support includes programming business in the chamber and providing procedural advice to the government,

processing legislation, an inquiry and distribution service, producing key chamber documents including the *Order of Business* (the Senate 'Red'—a guide to all matters likely to be dealt with by the Senate on a particular sitting day), the *Journals of the Senate*, and the *Notice Paper*, and providing secretariat support to certain committees. The Table Office is responsible for recording and storing every document presented to the Senate and maintaining an archive of all documents presented since the Senate first met in 1901. The office also keeps comprehensive on-line statistics. The Clerk Assistant (Table) is also Secretary of the Selection of Bills Committee, the committee responsible for recommending to the Senate the referral of legislation to Senate committees for inquiry and report (often including public consultation).

The Clerk Assistant (Procedure) heads the Procedure Office which provides procedural advice and legislative drafting services for bills and amendments to non-government senators. As well as these duties, the Clerk Assistant (Procedure) manages the Parliamentary Education Office, which provides education services to schools, teachers and students; the secretariat compiling the *Biographical Dictionary of the Australian Senate*; the Research Section, which examines matters of parliamentary, historical and constitutional significance and delivers parliamentary information services to the community; and two legislative scrutiny committees: the Regulations and Ordinances Committee, and the Scrutiny of Bills Committee.

The Clerk Assistant (Committees) heads the Committee Office which provides procedural and administrative support for most Senate committees and for some joint committees. The Clerk Assistant and the Senior Clerk of Committees provide procedural advice to senators and committee staff and coordinate the provision of staff and administrative resources for all secretariats.

The Usher of the Black Rod heads the Black Rod's Office which provides administrative and information technology support services for senators and departmental staff, messengerial support to the chamber, departmental corporate support, and security advice. The Usher of the Black Rod and Deputy Usher of the Black Rod perform particular duties in the chamber as well as serving as table officers. They also provide procedural, security, administrative and ceremonial advice. More background about the historical traditions of the position of the Usher of the Black Rod can be found in the separate brief *Usher of the Black Rod* (Brief No. 16).

Until 1996 clerks at the table in the Senate wore barrister-style wigs and gowns while on duty in the Senate. The Usher of the Black Rod is now the only senior Senate officer to wear traditional parliamentary dress, and then only for ceremonial occasions such as the opening of parliament.

The Department of the Senate comprises about 165 staff who provide procedural and administrative support to the President, senators and their staff for the operation of the Senate and its many committees. All departmental staff are employed under the *Parliamentary Service Act 1999*.

Further reading

Harry Evans (ed.), *Odgers' Australian Senate Practice*, 12th edn, Department of the Senate, Canberra, 2008; available on the Internet at <http://www.aph.gov.au/senate/pubs/odgers/index.htm>

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